

First, the Examiner's justification for restriction is not understood. The claimed product may include a removable release liner on its surface with adhesive which is intended, for example, to adhere to a shelf (see claim 9). Attaching a removable release liner is not a materially different use but rather, is a use contemplated by the claimed product of the invention. This justification is not believed to be sufficient to warrant restriction.

The rules require the Examiner to show that there would be some undue burden on the PTO to examine separate inventions in a single application. M.P.E.P. §803 sets forth the manner in which the Examiner must proceed as follows:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine all claims on the merits, even though it includes claims to distinct or independent inventions." [emphasis added]

The Examiner has given no indication that there would be a serious burden of the type required and defined in the M.P.E.P. The Examiner has only noted that the field of search would include two different classes (428 and 156), each having respective subclasses (40.1 and 349). Applicant does not believe the scope of the search proposed is unduly burdensome. Issued patents consistently indicate multiple classes and subclasses searched. Since only two classes and two subclasses are to be searched in this case, it is not believed that the amount of searching would pose the magnitude of burden contemplated by the rules. Accordingly, it is believed that there is no undue or serious burden and on this basis, the Applicant respectfully requests the Examiner to withdraw the restriction requirement.

The Commissioner is hereby authorized to charge any required fee or fee deficiency under 37 C.F.R. § 1.17 in connection with this communication to our Deposit Account No. 23-0630.

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Respectfully submitted,



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